

REMARKS

As a preliminary matter, Applicant traverses the Advisory Action as being non-responsive. Whether or not the Examiner agrees with Applicant's arguments, the Examiner has still nevertheless failed to respond to any of Applicant's meritorious arguments that the Benes reference (U.S. 4,817,430) teaches away from the present invention by expressly stating that its harmonic filter has a center frequency significantly different than the basic frequency of the sine wave. The present invention specifically defines the center frequency of the filter to be equal to the oscillation frequency of the sine wave output from the crystal oscillator, and Benes directly teaches away from these features. Any reference that teaches away from the claimed invention cannot form the basis of a rejection against that rejection. The Examiner should answer these arguments, or withdraw the rejection.

The Examiner's discussion of the present Specification is therefore irrelevant to the patentability of the present invention. The Examiner has merely pointed out that the present crystal oscillator has a center frequency equal to the fundamental component of the sine wave output by this same oscillator. This fact alone hardly addresses the frequency of filter that should be used in conjunction with the oscillator, and the Examiner's personal opinion of what would be obvious cannot form the basis for the rejection. See In re Lee, 277 F.3d 1338, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). It is inappropriate for the Examiner to assert that it is obvious to set the filter equal to the center frequency of the crystal oscillator when Benes specifically teaches to set its

harmonic filter to be equal to the frequency of the third harmonic, and not the center frequency.

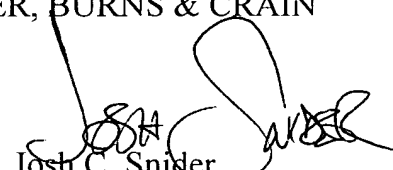
The Examiner's opinion that the limitations of the present invention are "broad" is also irrelevant to patentability. Breadth does not render claims unpatentable when the claims are supported by the Specification, and novel and not obvious over the prior art, as in the present case. As discussed above and previously, the Examiner's proposed combination of references cannot demonstrate obviousness against the present invention because the base Benes reference specifically teaches away from the present invention. New claim 13 is added herein to emphasize this point.

For all of the foregoing reasons, Applicant submits that this Application, including claims 1-13, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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